

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 7/24/2023

JONES DAY

600 BRICKELL AVENUE • BRICKELL WORLD PLAZA • SUITE 3300 • MIAMI, FLORIDA 33131

TELEPHONE: +1.305.714.9700 • FACSIMILE: +1.305.714.9799

DIRECT NUMBER: (305) 714-9722
TLCHASE@JONESDAY.COM

July 21, 2023

VIA ECF

The Honorable Colleen McMahon
United States District Court, Southern District of New York
500 Pearl Street
Room 24A
New York, New York 10007

Re: O'Donnell v. Memorial Sloan-Kettering Cancer Center, 1:23-cv-03270-CM

Dear Judge McMahon:

This Firm represents Defendant Memorial Sloan Kettering Cancer Center ("Defendant") in the above-referenced action. We submit this letter jointly on behalf of Defendant and Plaintiff Kelly O'Donnell ("Plaintiff") (collectively, the "Parties") to request an extension of time for Defendant to answer, object, or otherwise move to dismiss the Complaint filed on April 19, 2023 and an adjournment of the Initial Pretrial Conference scheduled for August 3, 2023.

It appears that Plaintiff served Defendant with the Complaint through the New York Secretary of State on May 26, 2023, which would have set June 16, 2023 as the deadline for Defendant to answer, object, or otherwise move to dismiss the Complaint. However, Defendant did not receive notice of service through the New York Secretary of State until July 14, 2023.

Accordingly, Defendant requests an extension of time to answer, object, or otherwise move to dismiss the Complaint, up to and including August 18, 2023. There have been no previous requests to extend this deadline and Plaintiff has consented to this request for an extension.

The Parties are currently scheduled to appear for an Initial Pretrial Conference before Your Honor on August 3, 2023 at 10 a.m., two weeks prior to the proposed deadline for Defendant to respond to the Complaint. To allow the Parties adequate time to confer regarding a case management plan after the filing of Defendant's response to the Complaint and because counsel for Defendant will be out of the country from July 27 – August 5, 2023, Defendant further requests an adjournment of the Initial Pretrial Conference to no sooner than September 18, 2023. There have been no previous requests to adjourn the Conference and Plaintiff consents to the request for adjournment and timing proposed in this letter motion.

Extension granted.

Conference adjourned to
9/21/2023 at 10:00 Am.

Colleen McMahon
7/24/2023

JONES DAY

July 21, 2023
Page 2

If the proposed extension and adjournment meet with Your Honor's approval, a "So Ordered" line is provided below for the Court's convenience. We appreciate Your Honor's consideration of this request.

Respectfully submitted,

/s/ Terri L. Chase

Terri L. Chase

Jones Day

600 Brickell Avenue

Suite 3300

Miami, FL 33131

Tel. (305) 714-9700

tlchase@jonesday.com

Attorney for Defendant Memorial Sloan

Kettering Cancer Center

/s/ Sheldon Karasik

Sheldon Karasik

244 Fifth Ave., Suite Q249

New York, NY 10001

Tel. (917) 587-8153

sheldon@karasiklawoffices.com

Attorney for Plaintiff Kelly O'Donnell

cc: All counsel of record (via ECF)

IT IS SO ORDERED.

DATED: _____

Hon. Colleen McMahon
United States District Judge